

#### **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6 1445 ROSS AVENUE, SUITE 1200 DALLAS, TX 75202-2733

## FEB 2 7 2015

# GENERAL NOTICE LETTER -- URGENT LEGAL MATTER PROMPT REPLY NECESSARY, CERTIFIED MAIL: #7010 2780 0002 4354 9259 RETURN RECEIPT REQUESTED

Prentice Hall Corporation, Registered Agent for Praxair, Inc. 211 E. 7th Street, Suite 620 Austin, Texas 78701-3218

RE:

General Notice Letter for the CES Environmental Services, Inc.- Houston Superfund Site in

Houston, Harris County, Texas

#### Dear Sir/Madam:

The purpose of this letter is to notify you of your potential liability at the CES Environmental Services, Inc.-Houston Superfund Site (Site) and to invite you to join in settlement negotiations with the U.S. Environmental Protection Agency (EPA). The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. The Site is surrounded by residential, educational and commercial properties. Based on available information, the EPA has determined that you may be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, for cleanup of the Site or costs the EPA has incurred in cleaning up the Site.

#### **Explanation of Potential Liability**

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

Under CERCLA, specifically Sections 106(a) and 107(a), PRPs may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility of harm or any of the statutory defenses. PRPs include current and former owners and operators of a site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

You have been identified as a PRP who either sent hazardous substances for disposal or treatment to the Site or generated certain hazardous substances that the EPA has found at the Site. For this reason the attached General Notice concerning the removal action (Enclosure 1) is being sent to you. The General Notice requests your cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs. Enclosure 2 contains copies of the documents used to identify you as a PRP. Enclosure 3 contains a list of the entities who are receiving this General Notice.

#### Site Background

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, 20 aboveground storage tanks, 15 waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there was spillage of chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Removal is time critical per the Action Memo.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to benzene (D018), creosol (D023-026), 2,4,6-trichlorophenol (D042), pH (D002), ignitability (D001), MEK (D035), and 1,2-dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

#### Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. The EPA's Time Critical Removal Action has addressed the following:

- 1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
- 2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
- 3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
- 4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
- 5. Empty totes/drums have been segregated for temporary storage.
- 6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
- 7. Lab chemicals/company process samples were collected and disposed by the Trustee.
- 8. Process chemicals were collected and disposed by the Trustee.

Upon reviewing the enclosed General Notice, please provide a written response to Mr. Robert Werner, Enforcement Officer at 214-665-6724 within 60 calendar days after you receive this letter. Your response must identify of your intent to, or not to, enter into settlement negotiations with the EPA concerning this matter. Please mail your written response to Mr. Werner at the address that appears in the General Notice.

We look forward to working with you during the coming months.

Sincerely yours,

Carl E. Edlund, P.E.
Director

Superfund Division

Enclosures (4)

# ENCLOSURE 1 GENERAL NOTICE REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

This General Notice is from the U.S. Environmental Protection Agency (EPA). This General Notice is directed to you, the Potentially Responsible Party (PRP) of the CES Environmental Services, Inc.- Houston Site (Site). This General Notice does five things:

- 1. This General Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this General Notice, we mean the CES Environmental Services, Inc.- Houston Site. The street address for the Site is 4904 Griggs Road, Houston, Harris County, Texas. The street addresses of the contiguous properties that are parts of the Site are 4900 Griggs Road and 5910 Wayland Street. This General Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
- 2. This General Notice provides you with background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source(s) of the contamination at the Site.
- 3. This General Notice invites you to meet and enter a settlement with the EPA as a Settling Party regarding the cleanup of this Site and cooperation in conducting the on-going removal action at the Site and for reimbursement of past and future costs.
- 4. This General Notice advises you that, if you request the EPA to do so, the EPA will consider your ability to pay in determining an appropriate settlement amount.
- 5. This General Notice provides to you the names of all entities, i.e., PRPs, to which this General Notice will be mailed.

### NOTICE THAT YOU MAY BE LIABLE

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

#### **BACKGROUND**

This Site is a former chemical recycling facility that filed for bankruptcy in 2010. Prior to the bankruptcy, the Site had been owned and operated by CES Environmental Services, Inc. The Site is now under the control of a Trustee for the Estate appointed by the Bankruptcy Court. The Estate does not have the funding necessary to address the conditions at the Site. The Site consists of approximately eleven vacuum boxes, two roll-off boxes, twelve frac tanks, two tanker trailers, twenty aboveground storage tanks, fifteen waste water treatment tanks, waste piles, and numerous totes, vats, drums, and smaller containers. Additionally, there is spillage of

chemicals to exterior surfaces as well as building interiors. The Site has experienced significant vandalism since its bankruptcy in 2010. Additionally, recent spills have occurred due to vandalism which has resulted in the spillage of chemicals and waste to the ground surface and into an adjacent residential neighborhood. Emergency responses to these spills have involved the Estate, City of Houston, Texas Commission on Environmental Quality (TCEQ) and the EPA. These spill responses were addressed by TCEQ and the EPA.

The information provided by the Estate's consultant shows that there are hazardous wastes along with various hazardous substances within containers located on the Site. The hazardous substances include but are not limited to Benzene (D018), Creosol (D023-026), 2,4,6-Trichlorophenol (D042), pH (D002), Ignitability (D001), MEK (D035), and 1,2-Dichloroethane (D028). These chemicals are hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. 9601(14), and further defined at 40 C.F.R. 302.4.

### Response Actions to Date

On or about September 3, 2014, the EPA mobilized its contractors to begin addressing the wastes and spills at the Site. As of December 19, 2014, the EPA Team has addressed the following:

- 1. Management of stormwater to reduce off-site overflow of contaminated stormwater from the Site.
- 2. Removal of wastes from ten of twelve vacuum boxes and from two of two roll-off boxes.
- 3. Removal of wastes from eight of twelve frac tanks. Three frac tanks currently hold wastes.
- 4. Removal of liquid, i.e., pump able, wastes from eleven of twenty-three aboveground storage tanks (AST). Sludge and residual materials remain until sludge removal and tank cleaning of ASTs is completed.
- 5. Empty totes/drums have been segregated for temporary storage.
- 6. Waste piles dumped to the ground from the theft of seven roll-off boxes was removed by the Trustee.
- 7. Lab chemicals/company process samples were collected and disposed by the Trustee.
- 8. Process chemicals were collected and disposed by the Trustee.

#### **PARTICIPATION**

The EPA is inviting you to enter into a settlement with the EPA. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of entities receiving this General Notice letter is included as Enclosure 3 to this letter.

#### OPPORTUNITY TO MEET

The EPA will also provide you the opportunity to meet with the EPA representatives to discuss your desire to enter into a settlement with the EPA.

#### FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

The EPA is aware the financial ability of some PRPs to contribute toward the cleanup and/or payment of response costs at a site may be substantially limited. If you believe and can document that you fall within that category, please contact Mr. Robert Werner at 214-665-6724 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

### RESOURCES AND INFORMATION FOR SMALL BUSINESSES

On January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

http://www.epa.gov/swerosps/bf/sblrbra.htm

and review the EPA guidance regarding these exemptions at:

http://www.epa.gov/compliance/resources/policies/cleanup/superfund

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at <a href="https://www.epa.gov.">www.epa.gov.</a>

In addition, the EPA Small Business Ombudsman may be contacted at <a href="www.epa.gov/sbo">www.epa.gov/sbo</a>. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure 4).

### YOUR RESPONSE TO EPA

Please notify Mr. Werner in writing at the address indicated below within 60 calendar days after you receive this letter to indicate your willingness to enter in good faith as a Settling Party. If the EPA does not receive your written response within 60 calendar days after you receive this letter, the EPA will assume you do not wish be a Settling Party and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.

### Your response to this letter should be directed to:

Mr. Robert Werner Enforcement Officer (6SF-TE) United States Environmental Protection Agency Region 6 1445 Ross Avenue Dallas, Texas 75202 Telephone: 214-665-6724, Fax: 214-665-6660

werner.robert@epa.gov

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Ms. Amy Salinas
Assistant Regional Counsel (6RC-S)
United States Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202
Telephone: 214-665-8063, Fax: 214-665-6460

salinas.amy@epa.gov

The discussions of fact or law in this General Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this General Notice.

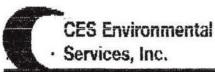
# ENCLOSURE 2 GENERAL NOTICE REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

#### **EVIDENTIARY DOCUMENTATION**

#### SAMPLES OF EVIDENCE

Enclosed are copies of samples of documented evidence that identifies the name of your company. The examples are not intended to represent all the evidence in CES records. It is only a representative sample that identifies:

- 1. A waste hazardous substance that was generated by your company and was transported to the Site for disposal and/or recycling, or
- 2. A waste hazardous substance that was generated by your company and that was transported in a CES tanker trailer to a facility other than the Site for disposal and/or recycling. The EPA believes that residue of the waste hazardous substance that had been transported in the CES tanker trailer was released at the Site when the interior of the CES tanker trailer was cleaned at the Site.



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1720 Grai	nt Ave	11b)					
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(409) 643	-5610	11c)					

The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unusual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. This Billi of Lading is a receipt for goods; it is not of itself a contract of carriage, it is mutually agreed, as to each carrier of all or as to any said over all or any portion of said route to destination, and as to each party at the interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediary.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

#### CONSIGNED TO:

CES Environmental Services, Inc.

CES Environmental Services, Inc.

4904 Griggs Rd.

4904 Griggs Rd.

CARRIER:

Houston, TX 77021

Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

intermodal Certificate: All Information required by Federal Highway Administration regulations at 49 CFR 390.54© Implementing the Intermodal Safe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

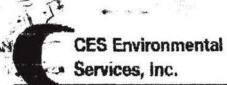
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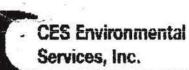
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# CES Environmental Services, Inc.

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The property described below, in apparent good order, except as noted (content and condition of packages unknown), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this as meaning any person or corporation authorized to be in possession of the property under the contract) agrees to carry to its unsusal place of delivery at said destination. This Bill of Lading is a receipt for goods, it is not of itself a contract of carriage, it is mutually agreed, as to each carrier of air or as to any said over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions contained in the applicable contract between shipper and carrier or intermediany.

For payment: Charges to be billed to Shipper or the "Billed to" party are set forth in the governing contract with Shipper. No charges other than those contained therein may be billed to Shipper or the "Billed to" party without prior written consent of Shipper. The extra copy of this Bill of Lading, furnished at the time of shipment, must be attached to the freight bill submitted to Shipper or the "Billed to" party and sent to:

#### CONSIGNED TO:

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

CARRIER:

CES Environmental Services, Inc.

4904 Griggs Rd.

Houston, TX 77021

This is to certify that the product stated below are properly classified, described, packaged, marked and labeled and is in proper condition for transportation according to the applicable regulations of the Department of Transportation. If this Shipment moves between to ports by a carrier by water, the law requires that the Bill of Lading shall state whether it is "carrier's or shipper's weight."

Intermodal Certificate: All Information required by Federal Highway Administration regulations at 49 CFR 390.54© Implementing the intermodal 8afe Container Act of 1992 is set forth on the face of this bill of lading. The shipper name herein is the tendering party.

Haz			1		Total	Unit	Description of Materials, Special M	larks, and Exceptions
T	No.	Туре	Quantity	Wt/Vol				
es.	bov	CF	1	Each	Environmentally Hazardous Substa	nce, solid (flourescent bulbs)		
es	cal h	DF	/	Each	Environmentally Hazardous Subst	ance, solid (waste batteries)		
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				7. 1				
him	ner:		-Texas	City	and the second s			
er	:		-Texas (		Signature :	Date :		
arr	ier C	S Env	rironmen	ital Sen	ices, Inc.	- 17		
	1		1		Signature:	Date : 08/15/03		
er	: GRE	gory	1 law	renc	eSignature : Suberce	Date : 38/15/03		
er	: GRE	gory	1 law	renc	1/1//	Date : 08   15   0		

# CES Environmental Services, Inc.

White (Generator Return Copy)

Yellow (Transporter Copy)

Bill Of Lading #:

71282

Sale	r ID :	Demi	or Town Oth	Land Same Com					
roid	w ID :		er-Texas City ereal waste				White a		
Orig	inal – S	hipper	Provided 9	Short Fo	rm Straight Bil	of Lading - Not Neg	otiable – Domestic	i f	
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CE	S Envir	onmer	ital Servi	ces, inc	<b>:</b> .	11a)			17:
490	4 Grigg	gs Rd				11b)	- N-1	EAS DA	
Hou	ston.	TX 77	021		39	11c)	IV.	7.4	
(71	3) 676-	1460			,	11c)		- 1	K.
goods any the between For par- to Ship	it's not of it ne intereste en shipper a ment: Char- per or the "E	tself a contr d in all or a nd carrier o ges to be bl Billed to" pa	ract of carriage. In of said proper of thermediary.	it is mulually ity, that every or the "Billed written conso	agreed, as to each carr service to be performe to party are set forth in	ter of all or as to any said over all ed hereunder shall be subject to all the governing contract with Shippe	oute to said destination. This Bill of b or any portion of said route to destina the terms and conditions contained i or. No charges other than those contained at the time of shipment, must be	gion, and as to each in the applicable co	ch oar ortrac be bill
	NSIGN			W.	312	CARRIER :			-
	cair-Te			12	1, 1 pt		ental Services, Inc.		
	0 Gran		.,	147	DEVICE	4904 Griggs R			
	as City		77500			Houston , TX 7			
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Pink (Receiving Facility Copy)

Golden Rod (Generator 1st Copy)

Plea	ase pr	int or type. (Form design	gned for use on elite	12-pitch) typewriter.)								Approved.	OMB No.	2050-0039
1	W	FORM HAZARDOUS ASTE MANIFEST		008073421			3. Emergency Re (281)			4. Manifest T	559	132	8 J.	JK
	90	enerator's Name and Maili x as (Deer Park) Box 250	ng Address		State ID:	30296	Generator's Site A Praxair (Dec 522 Tidal Ro	ed		mailing addres	s)			
П	1	er Park, TX 77536 (281	478-1563			1	Deer Park ,		5 1) 478-1	1563				
П		erator's Phone:		T	441						umber			-
П	CE	2 CHAROLNIS	ital bervices,	Inc.			State	ID 309	00	U.S. EPAID N	10895	0461		
	7. Tra	ansporter 2 Company Nar	ne		n theil	1,754				U.S. EPAID N	umber			
		signated Facility Name ar	nd Site Address				State	ID 309	00	U.S. EPA ID N	umber			
П		A Griggs Rd. uston TX, 77021												
П	ı		3) 676-1460							TXD	00899	0461		
	9a.			ipping Name, Hazard Clas	s, ID Number,		10.	Containers		11. Total	12. Unit	12.1	Waste Code	
П	НМ	and Packing Group (if		terial (spent carbon			No.		Гуре	Quantity	Wt./Vol.			•
8		ING PROCESTION D	or regulated ma	erial (sperit carpor	9			1 0	M	24500	b	001740	11	
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GENERATOR		2.				-77						-10:		en e
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П,							1.		- [	i				
	1458	pecial Handling Instruction	ns and Additional Inform	ation		E5 Job ≸ ·	80965	rosevi						
H		Carbon Re	and the second s		Extended.	-	(C)	3						
	1)	HOU-3157	2)			3)	10			4)	to Day		4	
П	15.	GENERATOR'S/OFFERO	OR'S CERTIFICATION:	I hereby declare that the	contents of this	consignment a	re fully and accura	tely describe		2.17	poing name	and are clas	sified nacka	aged.
Ш	1 8	marked and labeled/place Exporter, I certify that the	irded, and are in all resp	ects in proper condition fo	r transport acco	ording to applic	able international a	nd national g	governmen	ital regulations.	If export shi	pment and I a	am the Prima	ary .
		I certify that the waste mir	nimization statement ide						ntity gener	rator) is true.				
	100000	rator's/Offeror's Printed/T	- I			Sigr	atur	1	1			Mon		Year
+	16. In	TEOVAC Itemational Shipments	Johnson	10015			Jeorg	2 /1/0	ho	m		12	19	107
INT		sporter signature (for expo	Import to U.s orts only):	S.	لسا	Export from U	S. Po Da	rt of entry/ex te leaving U	it: S.:					
ER	10/7/25/03/03	ransporter Acknowledgmer				ħ.	01	11				-		
TRANSPORTER	7255173	porter 1 Printed/Typed Na				Sign	ature //	4	/	1		Mon	th Day	Year   0 9
NSP	Trans	porter 2 Panted/Typed Na	AUDE			\$iar	ature	-u	1			Môn	th Day	Year
TRA		an Romania				1/			~	S		1	1	ľ
1	18. D	iscrepancy						2081				-		
Ш	18a. I	Discrepancy Indication Sp	ace Quantity		Туре		Residu	e	[	Partial Reje	ction		Full Reje	ection
≥	18b. /	Alternate Facility (or Gene	rator)				* Manifest Re	ference Num	ber:	U.S. EPA ID No	umber		_	
믕										NO.				
D FA		ty's Phone:						-5125						- 77
DESIGNATED FACILITY	18C. S	Signature of Alternate Fac	lity (or Generator)						31			Mor	nth Day	Year
IGN	19. H	azardous Waste Report N	fanagement Method Coo	les (i.e., codes for hazard	ous waste treat	ment, disposal	and recycling sys	tems)			-			
DES	1.	NOSASSAVI	2.	many sever or muchal		3.				4.				
1	H	1132							2000					
		esignated Facility Owner	or Operator: Certification	of receipt of hazardous m	naterials covere			l in Item 18a					th Da	V
	rnnte	ed/Typed Name	8000	·		Sign	ature 4	R				Mor		Year
EPA	Form	8700-22 (Rev. 3-05)	BROWN Previous editions are	obsolete.	1100		DESIGNATE		LITYT	O GENER	ATOP		4 1	
-	7		7.				UIVITAI E	UNI		- ULIVER	TIVE	シェベルトし	. new	J 11 ( L. L )

Ple	ase p	rint or type. (Form design	Name and Address of the Owner, when the Owner,		ter.)							Approved.	OMB No.	2050-0039
1	100 No.	FORM HAZARDOUS VASTE MANIFEST	1. Generator ID Nu	mber 2 <b>0080734</b> 2	1	2. Page 1 of	3. Emergency (28)		Phone <b>8-156</b> 3	4. Manifest	Tracking Nu 559	128	2 J.	JK
	Pre	enerator's Name and Mailing mair (Deer Park)	g Address		State ID:	30296	Praxair (I	Deer Par		than mailing addres	ss)	100 100		
11	1	Box 250 er Park, TX 77536				5	622 Tidal Deer Parl		7536					
11		erator's Phone: (281) ransporter 1 Company Name	478-1563						(281) 47	8-1563 U.S. EPA ID N	Number			
11		S Environment		s, Inc.	_		Stat	be ID 3	30900		00895	0461		
H	7. Tr	ransporter 2 Company Name	1							U.S. EPA ID N	lumber			
11		esignated Facility Name and	Site Address	· · · · · · · · · · · · · · · · · · ·		-	CHal	be ID 3	290.29	U.S. EPA ID	lumber			
11	-320	01 Jenkins Rd shuac TX, 77514					500		33433					
11	100,000		267-6666							N/A				
$\ $	9a. HM	9b. U.S. DOT Description and Packing Group (if a		Shipping Name, Hazar	d Class, ID Number,		-	10. Contain	ners:	11. Total Quantity	12. Unit Wt./Vol.	13.	Waste Code	is
S.		Non-RCRA/Non Do	OT regulated w	raste solids (carb	on)			1	CM	26,500/	Р	001740	41	
RAT		}							ę.	2015-03	5			
GENERATOR		2.												-
1														
$\ $		3.		-										
$\parallel$														
11		4.												
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11		Special Handling Instructions Ider ID: Prawair (Pra			BFI :	ES P	Job # - 791	70	10/7	6				
11	1)	Carbon Ren L55Y52821		2)	L		# 30	551	76 X		_	\ n.		
11		GENERATOR'S/OFFERO			at the contents of this	3) s consignment	are fully and ac	curately de	scribed abov	4) ve by the proper sh	ipping name	and are clas	sified pack	aged.
П		marked and labeled/placare Exporter, I certify that the c	ded, and are in all r	espects in proper condi	tion for transport acc	cording to appli	icable internation	nal and nati						
H	Gen	I certify that the waste mini erator's/Offeror's Printed/Typ		identified in 40 CFR 26	2.27(a) (if I am a lar		nerator) or (b) (if	l am a sma	all quantity of	enerator) is true.		Mon	nth Day	Year
11	6	~ <del>~</del>	hason			را	Teors	u /	hn	n		ز ا	214	19
F		nternational Shipments	Import to	U.S.		Export from	U.S.	Port of en	F102-1-15 (1974-1970)		(i)			
N	-	sporter signature (for export Transporter Acknowledgment		ials			0	Date leavi	ng U.S.:					
TRANSPORTER	Tran	sporter 1 Printed/Typed Nam				Sig	gnature	11	12	9		Mon		Year
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IR/						`								
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11		expire			<u></u> Туре					97			Za Full Keji	SCHOIL
E	18b.	Alternate Facility (or Genera					Manifes	t Reference	Number: (	U.S. EPAID N		JJK	<u> </u>	
등														
ED FA	Faci 18c.	lity's Phone: Signature of Alternate Facili	ty (or Generator)	- W						1	_	Mo	nth Day	y Year
DESIGNATED FACILITY													1	1_
ESIG	19.1	Hazardous Waste Report Ma	nagement Method	Codes (i.e., codes for h	azardous waste trea	atment, disposa	al, and recycling	systems)		[4.				
1	1	1132								∬"				
	_	Designated Facility Owner or ted/Typed Name	Operator: Certifica	tion of receipt of hazard	dous materials cover		ifest except as r	noted in Item	n 18a	- 14		Mo	nth Day	Year
1									- Euro			1		1
EP/	Fon	n 8700-22 (Rev. 3-05) P	revious editions	are obsolete.			DESIGNA	TED FA	CILITY	TO DESTIN	IATION	STATE	(IF REC	UIRED

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

P.O. Box 13087 Austin, Texas 78711-3087

STATE OF	1 vet	6.34
The state of the s	654 101	1.
- Inv	112 Form approved. OMB No.	2050-0039.

Please print or type. (Form designed for use on elite (12 ditch) typewriter.)	1 1 /1	Form approved. OM	3 No. 205	50-0039.
UNIFORM HAZARDOUS  1. Generator's US EPA ID No.  WASTE MANIFEST  1. Generator's US EPA ID No.  Pagurgen  Pagurgen	at No.			n the shaded areas ed by Federal law.
3. Generator's Name and Mailing Address PINX AIR, INC PO BOX 250			27	Number 835
Deer PARK TX 77536 4. Generator's Phone ( 281 ) 478-1546			029	AND THE RESERVE OF THE PARTY OF
5. Transporter 1 Company Name 6. US EPA ID Number 17XR00003581	/	State Transporter's	2010/01/2020/12	CONTROL OF THE PROPERTY OF THE
7. Transporter 2 Company Name 8. US EPA ID Number	1/1/23/	Transporter's Phor State Transporter's	STREET, STORTS	676 /116
	66/03/923	Transporter's Phon	The state of the state of	
9. Designated Facility Name and Site Address 10. US EPA ID Number	G.	State Facility's ID		
BFI Gulf West 2601 Jenkins Rd. ANAHUDE, TX 77514	H.	Facility's Phone		
11.A. 11. US DOT Description (including Proper Shipping Name, Hazard Class, ID 12.0 Number and Packing Group)	Containers No. Typ	13. Total Quantity	14. Unit Wt/Vol	I. Waste No.
a. WHSTE CARBON  Class I, NON HAZARDOUS	1. 77	12,280 lbs	P	00174041
BROW				
Gir	WING 1	BRRIC IN	_	
TPH	PERM	ERRIS, INC. ANDFILL 1 #39039	1	
d. / M	AR   C	<b>300</b>	1	
1 1 15. Special Handling Instructions and Additional Information		s odes to	Vaste	& Listed Above
BFI APPIDUAL TX/274/030911/235772				
16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and acclassified, packaged, marked, and labelled/placarded, and are in all respects in proper condition for trainational government regulations, including applicable state regulations.  If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicit economically practicable and that I have selected the practicable method of treatment, storage, or disposifuture threat to human health and the environment; OR, if I am a small quantity generator, I have made a the best waste management method that is available to me and that I can afford.	insport by hity of waste sal currently	ighway according to generated to the dec available to me which	applicat gree I hav h minimi	we determined to be zes the present and
Printed/Typed Name EDGAN AUBRY Signature	1/2			Month Day Year
T 17. Transporter 1 Acknowledgement of Receipt of Materials  Panted Typed Name V Signature	A			Date
Signature (ARR) // Signature Carrie	110			105 18 63
18. Transporter 2 Acknowledgement of Receipt of Materials				Date
Printed/Typed Name Signature				Month Bay Year
19. Discrepancy Indication Space		<del>5</del>		MA A.A.
2000 sul - 202 = 10 yds.				
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this man	nifest exce	pt as noted in Item	19.	
Printed Typed Name Signature	1	.1 0		Month Day Year
Joan navolagi	MCU Transon	Dall Creen Cer	a rata da	13/063

# ČES Environmental Services, Inc. 4904 Griggs Rd.

Houston, TX 77021 Phone: (713) 676-1460 Fax: (713) 676-1676

# Invoice

Date	Invoice #
4/3/2003	6541

Bill To:		
Praxair, Inc.	The control of	
Invoice Auditing	Dept.	
P.O. Box 808		
Tonawanda, NY	14151-0808	

		P.O. No.	Terms	Project	
		10	Net 30		
Quantity	Description		Manifest #	Rate	Amount
7.5	Air machine with operator for removal on 03/10/03. 7.5 hrs @ \$95.00 per hr.	of carbon from vessel		95.00	712.50
	5% Fuel Surcharge			35.63	35.63
50	Job Materials: 50 ft flex hose @ \$2.00	per ft.		2.00	100.001
	Sales Tax			8.25%	8.25
	*:				
		. 6			
we apprec	iate your business!		Total:		\$856.38

Late Payment Policy: Any unpaid balances after 60 days will accrue a monthly interest rate of 1.5%.



@COPY

# Invoice

Date	Invoice #
1/16/2007	31220

4904 Griggs Road Houston, TX 77021 Phone: (713) 676-1460 Fax: (713) 676-1676

Bill To:

Praxair, Inc.

Invoice Auditing Dept.

P.O. Box 808

Tonawanda, NY 14151-0808

	2	P.O. No.	Terms	Pro	oject
		30229386	Net 30		
Quantity	Description		Manifest #	Rate	Amount
6.25	1/12/07 Air machine w/Operator for removal of spent carbon from vessel @ \$105.00 per hour		@	105.00	656.25
	16% Fuel Surcharge			105.00	105.00
6.25	Field Technician @ \$30.00 per hour			30.00	187.50
2	Job materials: PPE 2 men @ \$30.00 per man	/ per day		30.00	60.00
50	Job materials: Flex Hose @ \$2.00 per ft.			2.00	100.00
8	,784.1				
	CES job #33738		1		
le appreci	ate your business!		Subtotal	ŧ	\$1,108.73
	ent Policy: Any unpaid balances begining on the 3 due will accrue a per annum interest rate of 6%, un		Sales Tax (8.	0%)	\$0.00
in a formalized contract.			Total		\$1,108.75

# ENCLOSURE 3 GENERAL NOTICE LETTER REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

#### ENTITIES TO WHICH THIS GENERAL NOTICE WILL BE MAILED

The Lubrizol Corporation

Advanced Aromatics, L.P.

AMTEX Machine Products, Inc.

Andergauge Drilling Systems

Arkema Inc.

**Ball Corporation** 

Canrig Drilling Technology Ltd.

Century Asphalt (Humble) d/b/a for Baytown Asphalt Materials, Ltd.

Champion Technologies (Merged into Nalco Company)

Citgo Petroleum Corporation (Citgo Refinery)

Cross Oil & Refining & Marketing, Inc..

Dover Corporation - Cook Compression (C Lee Cook)

Evalca Company of America

KMCO, Inc. (new name is Ramsey Properties, L.P.)

PGI International. LTD (merged into Parker-Hannifin Corporation)

Philip Reclamation Services Houston, LLC

Plaquemine Point Shipyard, Sunshine, LA

PPG Industries, Inc.

Praxair, Inc.

**Proler Southwest** 

Quest Chemical Corporation

RasGas in Qatar @ KMTEX

Sierra Chemical Corporation

Skyhawk Chemicals, Inc.

Smithfield BioEnergy, LLC

Sun Coast Resources, Inc.

- T. T. Barge Mile (Barge Mile 183, 237)
- T. T. Barge Cleaning Mile 183, Inc. (d/b/a T.T. Barge [Mile 183])
- T. T. Barges Services Mile 237 LLC (d/b/a T T Barge Mile [Barge Mile 237])

T.T. Barge (Mile 237)

T3 Energy Services-Cypress

**Taber Extrusions** 

Targa Midstream Services LP

Tenaris Coiled Tube, LLC (Beitway 8) a-k-a Precision Tube

Texas Oil Tools, NOV (Conroe)

Texas Water Management
Total Petrochemicals, Inc. - Port Arthur
Transmontainge Product Service
Valero Refining-Texas, L.P. (d/b/a Valero Refining Co of Texas)
ZaCh System Corporation (Ampac)

# ENCLOSURE 4 GENERAL NOTICE LETTER REGARDING CES ENVIRONMENTAL SERVICES, INC.- HOUSTON HOUSTON, HARRIS COUNTY, TEXAS

SMALL BUSINESS RESOURCES FACT SHEET



### Office of Enforcement and Compliance Assurance

## INFORMATION SHEET

#### U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

#### **Compliance Assistance Centers**

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture (www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry (www.ecarcenter.org)

Automotive Service and Repair (vww.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry (www.chemalliance.org)

Construction Industry (www.cicacenter.org or 1-734-995-4911)

Education (www.campuserc.org)

Healthcare Industry (www.hercenter.org or 1-734-995-4911)

Metal Finishing (www.nmfrc.org or 1-734-995-4911)

Paints and Coatings (www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing (www.pworc.org or 1-734-995-4911)

Printing
(www.pneac.org or 1-888-USPNEAC)

Transportation industry (www.transource.org)

Tribal Governments and Indian Country (www.epa.gov/tribal/compliance or 202–564-2516)

US Border Environmental Issues (www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state;

#### **EPA** Websites

EPA has several internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the internet at your business, many public libraries provide access to the internet at minimal or no cost.

EPA's Home Page www.epa.gov

Small Business Gateway www.epa.gov/smallbusiness

Compliance Assistance Home Page www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance www.epa.gov/compliance

Voluntary Partnership Programs www.epa.gov/partners

Office of Enforcement and Compliance Assurance: http://www.epa.gov/compliance



## Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center (www.epa.gov/th/cate or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act (www.epa.gov/superfund/resources/infocenter/epcra.htm-or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information. (www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers (www.epa.gov/clearinghouse)

National Response Center to report oil and hazardous substance spills. (www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse (www.eps.gov/opplintr/ppic or 1-202-566-0799)

Sale Drinking Water Hotline (vww.epa.gov/salewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information (www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance information Service also includes asbestos inquiries, (1-202-554-1404)

Wetlands Helpline (www.epa.gov/owow/wellands/welline.html or 1-800-832-7828)

#### State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman (www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage (www.smallbiz-enviroweb.org or 1-724-452-4722)

#### Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated.

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy (www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy (www.epa.gov/compliance/incentives/auditing)

#### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

#### Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards. you still have the duty to comply with the law, including providing timely responses to EPA information requests. administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.